

B 104

Document Page 1 of 3

(Rev. 2/92)

ADVERSARY PROCEEDING COVER SHEET

(instructions on Reverse)

ADVERSARY PROCEEDING NUMBER
(Court Use Only)**PLAINTIFFS**

Timothy Robert James

DEFENDANTS

Mack and Daves

ATTORNEYS (Firm Name, Address, and Telephone No.)

William W. Pepper
Pepper & Nason
8 Hale Street
Charleston, WV 25301
(304) 346-0361

ATTORNEYS (if Known)

PARTY (Check one box only) ☒ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☐ 3 U.S. NOT A PARTY

CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED)**NATURE OF SUIT**

(Check the one most appropriate box only.)

☒ 454 To Recover Money or Property☐ 455 To revoke an order of confirmation
or of a Chap. 11, Chap. 12 or Chap. 13 Plan☐ 456 To obtain a declaratory judgment
relating to any of foregoing causes
of action☐ 435 To Determine Validity, Priority,
Extent of a Lien or Other Interest in
Property☐ 426 To determine the dischargeability of
a debt 11 U.S.C. §523☐ 459 To determine a claim or cause of
action removed to a bankruptcy
court☐ 458 To obtain approval for the sale of
both the interest of the estate and
of a co-owner in property☐ 434 To obtain an injunction or other
equitable relief☐ 498 Other (specify☐ 424 To object or to revoke a discharge
11 U.S.C. §727☐ 457 To subordinate any allowed claim
or interest except where such
subordination is provided in a plan**ORIGIN OF
PROCEEDINGS**

(Check one box only.)

☒ 1 Original
Proceeding☐ 2 Removed
Proceeding☐ 4 Reinstated
or Reopened
Bankruptcy☐ 5 Transferred
from Another
Court☐ CHECK IF THIS IS A CLASS
ACTION UNDER F.R.C.P. 23**DEMAND**NEAREST THOUSAND
\$2,400.00**OTHER RELIEF SOUGHT**☐ JURY
DEMAND**BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES**

NAME OF DEBTOR

BANKRUPTCY CASE NO.

Timothy Robert James

07-10127

DISTRICT IN WHICH CASE IS PENDING

DIVISIONAL OFFICE

NAME OF JUDGE

Southern

West Virginia

Ronald G. Pearson

RELATED ADVERSARY PROCEEDING (IF ANY)

PLAINTIFF

DEFENDANT

ADVERSARY PROCEEDING NO.

DISTRICT

DIVISIONAL OFFICE

NAME OF JUDGE

FILING**FEE** (Check one box only.)☐ FEE ATTACHED☐ FEE NOT REQUIRED☐ FEE IS DEFERRED

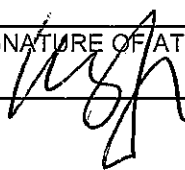
DATE

PRINT NAME

SIGNATURE OF ATTORNEY (OR PLAINTIFF)

9/4/07

William W. Pepper



UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

IN RE:

TIMOTHY ROBERT JAMES
Debtor.

Chapter 7
Case No. 07-10127
Liquidation

TIMOTHY ROBERT JAMES

Plaintiff,

v.

A.P. No. 07-

MACK & DAVES

Defendant.

COMPLAINT FOR TURNOVER

Now comes Timothy Robert James by and through undersigned counsel and respectfully represents as follows:

1. That this Court has exclusive jurisdiction over this proceeding under 28 U.S.C. 1471.
2. That debtor/plaintiff filed a voluntary petition under Chapter 7 of the Bankruptcy Code on July 31, 2007.
3. That duly listed in the debtors' schedules is the debt owed to Mack and Daves at its address of 1010 Third Avenue, Huntington, West Virginia, 25701.
4. That within the 90 day preference period Mack and Daves obtained by way of Suggestee Execution wage garnishee in the amount of \$2,760.51 pre-petition, plus interest and court costs.

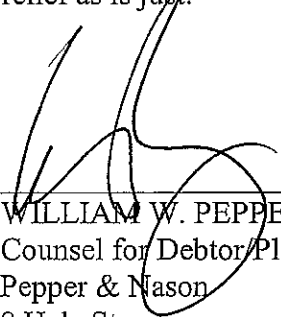
5. That this levy allowed Mack and Daves to receive a preference inasmuch as they have received wages of the debtor and forced payments from the debtor on a non-priority, non-secured debt.

6. That the debtor duly listed and exempted under Schedules B and C his right to return of this pre-filing wage garnishee.

7. The debtor has the right to the return of the funds taken by Suggestee Execution totaling \$2,401.74, plus attorney fees and costs.

WHEREFORE, debtor/plaintiff requests this Court to require the defendant return to the debtor the \$2,401.74; award him damages, attorney fees and costs; and for such other and further relief as is just.

TIMOTHY ROBERT JAMES
By Counsel



WILLIAM W. PEPPER (WVSB #2857)
Counsel for Debtor/Plaintiff
Pepper & Nason
8 Hale Street
Charleston, West Virginia 25301
(304) 346-0361